

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MANUEL A. BENAVIDEZ,	§	
	§	
Plaintiff	§	
	§	
V.	§	
	§	
IRVING INDEPENDENT SCHOOL	§	
DISTRICT, TEXAS, and ONITA C.	§	CIVIL ACTION NO. 3-08-CV-0924-D
PATRICK, VALERIE D. JONES, JERRY	§	
D. CHRISTIAN, RONDA LEE	§	
HUFFSTETTLER, JOHN RANDAL	§	
STIPES, NANCY JONES, and ADRIAN T.	§	
JENKINS, in their official capacities,	§	
	§	
Defendants	§	
	§	

**DEFENDANTS' ORIGINAL ANSWER**

Defendants for answer to Plaintiffs's Original Complaint for Declaratory and Injunctive Relief under the Voting Rights Act of 1965 allege:

1. In response to the first two unnumbered paragraphs of the First Original Complaint, which are entitled "Preliminary Statement," defendants admit that the school district conducts at-large elections, but deny that the purpose or effect of the election system is to ensure that members of the school board are unresponsive to the concerns of minority voters. Defendants deny that the at-large system is intended to deny representation to some of Irving's voters. Defendants further deny that the plaintiff is a victim of an intentionally pernicious system and that there is any violation of the Voting Rights Act. Defendants have no knowledge or information either to admit or deny the population percentages produced by an unidentified "authoritative estimate."

2. In response to the unnumbered paragraph entitled "Plaintiff," defendants admit the allegations of the paragraph.
3. In response to paragraphs 1–8, defendants admit the allegations of those paragraphs.
4. In response to paragraph 9, defendants admit that a claim under section 2 of the Voting Rights Act (42 U.S.C. § 1973) is a federal question within the meaning of 28 U.S.C. § 1331.
5. In response to paragraph 10, defendants admit the allegations of that paragraph.
6. In response to paragraph 11, defendants have no information to admit or deny the allegations of that paragraph relating to the plaintiff. Defendants admit that the plaintiff ran for the school board and was not elected. Defendants deny that the school district elects its trustees citywide rather than school district-wide. They further deny that bloc voting by white voters in Irving ISD prevents minority candidates from being elected.
7. In response to paragraph 12, defendants admit the allegations of that paragraph.
8. In response to paragraph 13, defendants admit the allegations in the first three sentences of that paragraph pertaining to the City of Irving and have no information to admit or deny the allegation of the last sentence regarding the estimate produced by an unnamed source.
9. In response to paragraph 14, defendants admit the allegations in the first four sentences of the paragraph. In regard to the fifth sentence, defendants admit those are the estimates for the 2005 American Community Survey; however, it notes that the estimate for the city's total population is qualified by the notation  $\pm 11,979$  and the estimate for the city's Hispanic population is qualified by the notation  $\pm 10,633$ . In regard to the sixth and

seventh sentences, the allegations are so vague and undefined that defendants are without information that would permit them either to admit or deny them.

10. In response to the allegations of paragraph 15, defendants deny that the boundaries of the Irving ISD are essentially congruent with the boundaries of the City of Irving. Defendants admit that the school district's website reports that approximately two-thirds of the district's students are Hispanic but denies that the composition of the school district's student body better reflects the change in ethnic population than the composition of the total population of the district.
11. In response to paragraph 16, defendants admit the allegations of that paragraph.
12. In response to paragraph 17, defendants admit that the City of Irving Hispanic voting-age population in the 2000 census was approximately 27 percent. Defendants deny the remainder of the paragraph.
13. In response to paragraph 18, defendants deny the allegations of the first two sentences and are without sufficient information to admit or deny the allegations of the last sentence of the paragraph. Defendants note that the ability to draw one or more districts with a Hispanic population majority or a Hispanic voting-age population majority is not the relevant issue under section 2 of the Voting Rights Act.
14. In response to paragraph 19, defendants deny those allegations.
15. In response to paragraph 20, defendants deny those allegations.
16. Paragraph 21 incorporates the preceding paragraphs and requires no reply other than as set out for the preceding paragraphs.

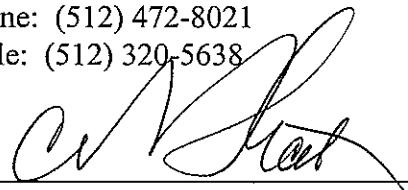
17. Paragraph 22 summarizes the provisions of section 2 of the Voting Rights Act and requires no reply.
18. In response to paragraphs 23 and 24, defendants deny those allegations.
19. In response to paragraph 25, defendants deny that jury trials are available in suits brought under section 2 of the Voting Rights Act.
20. In response to the request for relief, defendants deny that plaintiffs are entitled to any relief.

Respectfully submitted,

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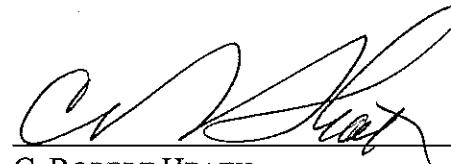
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following on this the 23<sup>rd</sup> day of June, 2008 as follows:

*Via Certified Mail and electronic delivery:*

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